

**MINUTES OF THE HANOVER BOROUGH
ZONING HEARING BOARD MEETING**

May 17, 2021

Chairman Zartman convened the meeting of the Hanover Borough Zoning Hearing Board at 6:00 PM Monday Evening, May 17, 2021 in the Guthrie Memorial Library - Lower Level - Bare Center, 2 Library Place, Hanover, Pennsylvania, as advertised.

Attendance: In attendance were Zoning Hearing Board Members Gary Bond, Merle Feder and James Zartman; Solicitor John Senft; Staff Members Secretary Dorothy Felix and Zoning Officer P. Eric Mains, P.E.; and Stenographer Deb Zepp.

Approval of the Minutes: It was moved by Mr. Bond, seconded by Ms. Feder to approve the minutes of April 19, 2021 as presented. Motion carried.

11 York Street - Dimensional Variance: Applicant proposes approval of dimensional variance of 2 existing (non-conforming) signs

Secretary Felix read the following Statement of the Secretary:

"An application for a Variance for the property at 11 York Street was submitted on April 15, 2021 by Jordan Ilyes, 5 Codorun Lane, York PA 17408. Applicant is requesting a Dimensional Variance to seek relief under Article XXI, Section 140-119B and 140-119D for two existing (non-conforming) signs, under the Hanover Borough Zoning Ordinance. Property is located in the GB General Business District.

A public hearing was scheduled for Monday, May 7, 2021 at 6:00 PM and was properly advertised on May 2, 2021 and May 9, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on May 7, 2021. Proper posting of the property giving notification of hearing has been certified.

*Dorothy C. Felix, Secretary
Zoning Hearing Board"*

Ms. Amy Hammonds was present on behalf of the applicant Mr. Jordan Ilyes and was sworn in by Chairman Zartman to give testimony.

Ms. Hammonds testified that there were two signs that were installed when the building was redeveloped. One is a hotel sign that overhangs the public sidewalk, and the other is lettering painted on the existing smokestack. She noted while the hotel sign extends over the public sidewalk, the sidewalk is actually wider than most. Both signs are considered art pieces and reflect the downtown effort of this project.

The reason the applicant is seeking the variance is because the hotel sign overhanging the sidewalk extends over the 48" allowable above the public right of way; and there is no allowance in the ordinance for painted lettering on smokestacks.

Mr. Zartman asked if the smokestack was lettered previously, and it was noted that it was not lettered in the past.

The hotel sign extending over the sidewalk reads "Hotel McAllister" and the lettering on the smokestack reads "S-M-O-K-E-S-T-A-C-K."

Solicitor Senft asked if there was another existing sign that was there before the redevelopment. Ms. Hammonds answered there was not. Mr. Senft asked how the current hotel sign was secured. Ms. Hammonds noted the sign is in compliance with the Uniform Construction Code (UCC), and has proper anchoring with bolts, etc.

Ms. Hammonds added that the hotel sign doesn't extend any further over the public right of way than the awning that was previously on the building.

Mr. Senft stated that any motion must include the stipulation that any changes in the future must come before the Zoning Hearing Board before they are affected.

It was moved by Ms. Feder, seconded by Mr. Bond that the request for a Dimensional Variance for the property at 11 York Street to seek relief under the Hanover Borough Zoning Ordinance Article XXI, Section 140-119B and 140-119D for two existing non-conforming signs (*one sign extending in excess of 48" over the public right of way; and one smokestack with lettering*) in a GB General Business District, submitted by Jordan Ilyes, 5 Codorun Lane, York PA 17408, be approved with the stipulation that any changes in the future must come before the Zoning Hearing Board before they are affected. Motion carried.

Mr. Zartman noted that the next item on the agenda was for a proposed dimensional variance for a privacy fence at 1108 Roosevelt Court.

Secretary Felix read the following Statement of the Secretary:

"An application for a Variance for the property at 1108 Roosevelt Court was submitted on April 15, 2021 by Mr. Robert J. Dunn, 1108 Roosevelt Court, Hanover, PA. Applicant is requesting a Dimensional Variance to construct a privacy fence under Article III, Section 140-26, of the Hanover Borough Zoning Ordinance. Property is located in R-3 Residential District."

A public hearing was scheduled for Monday, May 17, 2021 at 6:00 PM and was properly advertised on May 2, 2021 and May 9, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on May 7, 2021. Proper posting of the property giving notification of hearing has been certified."

*Dorothy C. Felix, Secretary
Zoning Hearing Board"*

The applicant, Mr. Robert Dunn was present and sworn in by Chairman Zartman to give testimony.

Mr. Dunn proposes to erect a 6' privacy fence in his backyard, but asks for a variance for a portion of the fencing at a height of 8' for a length of 24' directly adjacent to his house in order to block light glare from neighboring properties, in the evening hours. In addition, the air conditioner unit from the property adjacent their backyard has a very loud compressor and sits just five feet from their bedroom window. There were 3 large evergreen trees recently removed from rear yards of properties facing Kennedy Court which also eliminates screening provided by the trees, as Kennedy Court is at a higher grade and light shines downward into their backyard.

Mr. Dunn asks for relief of the stipulations of section of 140-26 of the zoning ordinance that state that *"any fence or wall exceeding six (6') feet in height shall contain openings therein equal to fifty (50%) percent of the area of that portion of the wall or fence exceeding six (6') feet in height, and must be set back from the property line a distance equal to the amount they exceed six (6') feet in height."* (In this case the 24' portion of 8' fencing would have to be set back 2'.)

Ms. Feder noted other properties have 6' fences in the area.

Mr. Dunn noted there is a neighbor that has an 8' privacy fence.

Mr. Senft clarified that a 6' fence could be placed right on the property line.

There was no public comment.

It was moved by Mr. Bond, seconded by Ms. Feder to approve the request for a dimensional variance to construct a 24' section of 8' privacy fence in the back yard at 1108 Roosevelt Court, with the remainder of the fencing at a height of 6', under Article III,

Section 140-26, of the Hanover Borough Zoning Ordinance, property located in an R-3 Residential District.

Motion carried.

Old Business: Mr. Mains noted that the proposed new zoning ordinance should be trending toward formal adoption by Hanover Borough Council in June. A motion to advertise the ordinance should be on the May 26, 2021 Council agenda.

Chairman Zartman thanked all those present for their attendance and concerns this evening.

Adjournment: It was moved by Mr. Bond, seconded by Ms. Feder to adjourn the meeting at 6:26 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix, Secretary
Zoning Hearing Board